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Attorney for Plaintiff

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

NICOLE M. VERDUN,

Plaintiff,

vs.

KILOLO KAJIKAZI,  
Acting Commissioner of Social Security,

Defendant

No. 2:22-cv-0345 DB

**STIPULATION AND ORDER FOR THE  
AWARD OF ATTORNEY FEES  
PURSUANT TO THE EQUAL ACCESS  
TO JUSTICE ACT, 28 U.S.C. § 2412(d)**

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the EAJA in the amount of THREE THOUSAND FIVE HUNDRED DOLLARS (\$3,500). This amount represents compensation for all legal services rendered on behalf of Plaintiff, to date, by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 2412, 1920.

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to Plaintiff's attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the Treasury's

Offset Program. After the order for EAJA fees is entered, the government will determine whether they are subject to any offset.

Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses and costs to be made directly to Shellie Lott, pursuant to the assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees and expenses, and does not constitute an admission of liability on the part of Defendant under the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel, including the Lott Law Offices, may have relating to EAJA attorney fees and expenses in connection with this action.

This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act attorney fees under 42 U.S.C. § 406, subject to the savings clause of the EAJA.

Respectfully submitted,

Dated: November 16, 2022

/s/ Shellie Lott

SHELLIE LOTT

Attorney for Plaintiff

PHILLIP A. TALBERT

Acting United States Attorney

PETER K. THOMPSON

Acting Regional Chief Counsel, Region IX

Date: November 16, 2022

/s/ Mary Tsai

(As authorized via email on 11/09/22)

MARY TSAI

Special Assistant United States Attorney

**ORDER**

Pursuant to the parties' stipulation, IT IS SO ORDERED.

DATE: November 17, 2022

/s/ DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE